

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DENISE KELLY,**

**Plaintiff,**

**v.**

**SAP AMERICA, INC.,**

**Defendant.**

**Civil Action No. 02-CV-2955**

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**DEFENDANT SAP AMERICA, INC.'S  
PROPOSED JURY INTERROGATORIES**

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James N. Boudreau (Id. No. 77891)  
Tamsin J. Newman (Id. No. 81001)  
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Philadelphia, PA 19103

Attorneys for Defendant SAP America, Inc.

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**FMLA- Job Restoration**

1. Has Denise Kelly proven by a preponderance of the evidence that SAP America failed to restore her to her former position in violation of the FMLA?

**YES NO**

(If your answer to Question No. 1 is "NO", proceed to Question No. 3 and do not answer Question No. 2. If your answer to Question No. 1 is "YES", continue to the next question.)

2. Has Denise Kelly proven by a preponderance of the evidence that she was capable of performing the essential functions of her job at the end of her FMLA leave (i.e., by May 18, 2001)?

**YES      NO**

(Please continue to the next question.)

**FMLA - Discrimination or Retaliation**

3. Has Denise Kelly proven by a preponderance of the evidence that the fact that she took FMLA leave was more likely than not a motivating or determinative reason for SAP America's decision to terminate her employment?

**YES \_\_\_ NO**

(If your answers to Question Nos. 1 and 3 are "NO", do not proceed further and contact the Deputy Clerk. If your answer to Question Nos. 1 or 3 is "YES", continue to the next question.)

4. How much, if any, do you find that Denise Kelly lost in wages, salary, employment benefits, or other compensation as a result of SAP America's violation of the FMLA?

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**CERTIFICATE OF SERVICE**

I, Tamsin J. Newman, hereby certify that a true and correct copy of the foregoing Trial Memorandum of Defendant SAP America, Inc., Defendant SAP America, Inc.'s Proposed Jury Instructions, Defendant SAP America's Proposed Jury Interrogatories, and Defendant SAP America, Inc.'s Proposed Voir Dire was served by first class mail this 2nd day of September, 2003, upon the following:

Ms. Denise Kelly  
15 North Elm Avenue  
Newtown, PA 18940

  
TAMSIN J. NEWMAN